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JACK SHREVE
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ORIGINAL
FILE COPY

October 12, 1995

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 950495-WS

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Seventh Motion to Compel and Seventh Motion to Postpone Date for Filing Intervenor Testimony.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Harold McLean
Associate Public Counsel

- ACK
- AFA 3 HM:bsr
- APP
- CAF Enclosures
- CMU
- CTR
- EAG
- LEG 1
- LIN 5
- OPC
- RCH
- SEC 1
- WAS [Signature]
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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate)
increase for Orange-Osceola)
Utilities, Inc. in Osceola County,)
and in Bradford, Brevard, Charlotte,)
Citrus, Clay, Collier, Duval,)
Highlands, Lake, Lee, Marion,)
Martin, Nassau, Orange, Osceola,)
Pasco, Putnam, Seminole, St. Johns,)
St. Lucie, Volusia, and Washington)
Counties by Southern States)
Utilities, Inc.)
_____)

Docket No. 950495-WS

Filed: October 12, 1995

CITIZENS' SEVENTH MOTION TO COMPEL AND SEVENTH MOTION TO
POSTPONE DATE FOR FILING INTERVENOR TESTIMONY

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, move the Commission to compel Southern States Utilities, Inc. ("SSU") to immediately answer the Citizens' interrogatories numbered 104, 107, 108, 110, 111, 112, 113, 114, 116, 117, 118, 119, 124, 125, 127, 128, 130, 131, and 141, and to immediately produce each document responsive to Citizens' requests for production of documents numbered 161, 162, 163, 166, 167, 169, 170, 174. In addition, the Citizens request the Commission to postpone, on a day-for-day basis, the filing date for intervenor testimony for each day SSU fails to satisfy these discovery requests.

1. The Citizens served a third set of interrogatories on Southern States Utilities, Inc. on Thursday, September 7, 1995 and a third set of requests for production of documents to Southern

States Utilities, Inc. on Wednesday, September 6, 1995. Responses were due on Monday, October 9, 1995 and Tuesday, October 3, 1995 respectively.

2. The Citizens served a fourth set of interrogatories on Southern States Utilities, Inc. on Monday, September 11, 1995 and a fourth set of requests for production of documents on Thursday, September 7, 1995. Responses were due on Monday, October 11, 1995 and Wednesday, October 9, 1995 respectively.

3. Certain of the discovery requests received objections in a pleading filed by SSU on September 22, 1995.

4. Confidential treatment was requested for certain other discovery material contained in the third sets by a pleading filed on October 11, 1995.

5. SSU has neither objected to nor responded to the following:

(1) interrogatories numbered 104, 107, 108, 110, 111, 112, 113, 114, 116, 117, 118, 119, 124, 125, 127, 128, 130, 131, and 141 contained in our first set of interrogatories;

(2) requests for production of documents numbered 161, 162, 163, 166, 167, 169, 170, and 174 contained in our first set of requests for production of documents;

6. Discovery is a process where the response to a discovery request is frequently the basis for further discovery focusing more narrowly on an issue. By simply ignoring the production of discovery on its due date, the process of building on that discovery and preparing follow-up questions is irrevocably delayed.

Every day lost at this point takes a day away from our ability to prepare testimony responding to SSU's case.

7. The Citizens request the Commission to order SSU to immediately answer the Citizens' interrogatories numbered 104, 107, 108, 110, 111, 112, 113, 114, 116, 117, 118, 119, 124, 125, 127, 128, 130, 131, and 141, and to immediately produce each document responsive to Citizens' requests for production of documents numbered 161, 162, 163, 166, 167, 169, 170, 174.

8. In addition, in order to address the irrevocable delay caused by SSU simply ignoring production of discovery on its due date, the Citizens request the Commission to postpone, on a day-for-day basis, the filing date for intervenor testimony until SSU fully satisfies these discovery requests. Intervenor testimony is now tentatively scheduled for November 20, 1995. The day-for-day postponement should be determined using that date as a starting point.

Respectfully submitted,

JACK SHREVE
PUBLIC COUNSEL



Harold McLean
Associate Public Counsel

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Attorneys for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 950495-WS

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery* to the following parties on this 12th day of October, 1995.

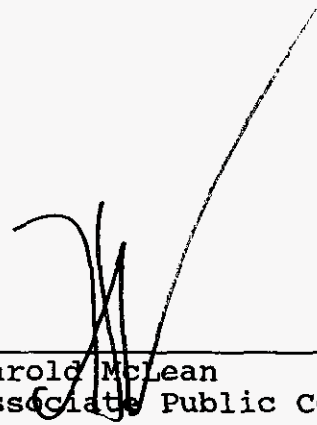
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